

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CITY OF PHILADELPHIA,

Plaintiff,

v.

HEMPSTEAD PROPERTIES, LLC,

Defendant.

CIVIL ACTION

NO. 23-2434

ORDER

AND NOW, this 15th day of April 2024, upon consideration of Hempstead's Amended Answer and Counterclaims (ECF No. 18), the City's Motion to Dismiss (ECF No. 19), Hempstead's Motion to Substitute a Party (ECF No. 22), and the City's Response in Opposition to the Motion to Substitute a Party (ECF No. 25), it is hereby **ORDERED** that the City's Motion to Dismiss is **GRANTED**. All counterclaims against the City are **DISMISSED** without prejudice. Hempstead may file an amended Answer and Counterclaim by **April 29, 2024**. Hempstead's Motion to Substitute a Party is **DENIED** as moot. Consistent with the accompanying Memorandum, Hempstead may substitute named parties for the John Does in its amended answer and counterclaim, and is also granted thirty days to serve them with process.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.